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In re PATENT APPLICATION of

Inventor(s) HORI ET AL.

Appln. No. 09/867,418

series code ↑ ↑ serial no.

Filed: May 31, 2001

Group Art Unit: 1743

Examiner: Alexander, Lyle

Atty. Dkt. PM 0281359

M#

TITLE: EVALUATION METHOD FOR  
POLYCRYSTALLINE SILICON

Date: April 29, 2004

Name or type of signed paper being transmitted:

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Attorney's Docket 061063-0281359  
Client Reference: OSP-10476

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:  
HORI ET AL.

Confirmation Number: 7533

Application No.: 09/867,418

Group Art Unit: 1743

Filed: May 31, 2001

Examiner: Alexander, Lyle

For: EVALUATION METHOD FOR POLYCRYSTALLINE SILICON

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## REQUEST FOR RECONSIDERATION TRANSMITTAL

Transmitted herewith is an amendment/response for this application.

### FEES

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been calculated as shown below:


	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	20	-	20	= 0	\$ 18.00 = \$ 0.00
INDEP.	1	-	3	= 0	\$ 86.00 = \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$ 290.00 = \$ 0.00
TOTAL ADDITIONAL CLAIM FEE					\$ 0.00
GRAND TOTAL					\$ 0.00

HORI ET AL. -- 09/867,418  
Client/Matter: 061063-0281359

### FEE PAYMENT

Authorization is hereby made to charge the amount of \$0.00 to Deposit Account No. 033975. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: April 29, 2004  
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**RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER ART UNIT 1743**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

Confirmation No.: 7533

HORI

Group Art Unit: 1743

Appln. No.: 09/867,418

Examiner: Alexander, Lyle

Filed: May 31, 2001

Title: EVALUATION METHOD FOR POLYCRYSTALLINE SILICON

April 29, 2004

\* \* \* \* \*

**REQUEST FOR RECONSIDERATION**

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Sir:

In reply to the Office Action dated January 29, 2004, reconsideration in view of the following remarks is respectfully requested.

**REMARKS**

Firstly, Applicants note that claim 20 has not been rejected, or treated on the merits. Applicants assume that claim 20 is allowable.

Secondly, it is respectfully submitted that the finality of the January 29, 2004 Office Action is improper and must be withdrawn. Claim 19 was rejected in the September 11, 2003 Office Action as anticipated by either Nakagawa et al. (U.S. Patent 6,429,035) or Japanese Publication No. 11-145230 (JP '230). No amendments were made to claim 19 in the Amendment filed November 5, 2003. However, in the January 29, 2004 Office Action, claim 19 was rejected as obvious over Nakagawa et al. in view of JP '230. Applicant's November 5, 2003 Amendment did not necessitate this new grounds of rejection. Accordingly, the finality of the January 29, 2004 Office Action is improper and must be withdrawn. As such, Applicants are entitled to entry of this response. See MPEP 706.07(e).

Claims 1-7, 17 and 18 were rejected under 35 U.S.C. § 102(e) over Nakagawa et al. The rejection is respectfully traversed.